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10 Attorneys for Plaintiff

11   UNITED STATES DISTRICT COURT

12   NORTHERN DISTRICT OF CALIFORNIA

13   SAN JOSE DIVISION

14 UNITED STATES OF AMERICA,   )   No. CR 09-00670 EJD
)   CR 11-00554 EJD
15   Plaintiff,   )
)
16   v.   )   STIPULATION AND [PROPOSED]
)   ORDER CONTINUING STATUS
17   )   HEARING AND EXCLUDING TIME
    DAVID RUSSELL FOLEY,   )
18   )
          Defendant.   )   SAN JOSE VENUE
19   )
    _____)
20

21   The undersigned parties respectfully request that the sentencing hearing in the above-

22 captioned case scheduled for June 10, 2013 be continued to July 29, 2013. The reason for the

23 continuance is that Probation Officer Benjamin Flores needs additional time to review the

24 defendant's recent submissions and complete the presentence report. In addition, AUSA Susan

25 Knight will be in trial before the Honorable Judge Whyte starting on June 24, 2013 through

26 approximately July 15, 2013, and Officer Flores will be unavailable the week of July 22, 2013.

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STIPULATION AND [PROPOSED] ORDER

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1   SO STIPULATED: MELINDA HAAG
                                             United States Attorney
2

3   DATED: 5/13/13   _____/s/_____
                                             SUSAN KNIGHT
4   HANLEY CHEW
                                             Assistant United States Attorneys
5

6   DATED: 5/13/13   _____/s/_____
                                             JEROME MULLINS
7   Counsel for Mr. Foley

8

9
                                          ORDER
10

11   Accordingly, for good cause shown, the Court HEREBY ORDERS that the sentencing

12   hearing currently scheduled for June 10, 2013 is continued to July 29, 2013 at 1:30 p.m.

13   SO ORDERED.

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15   DATED:___5/14/2103_____   _____
                                          EDWARD J. DAVILA
16   United States District Judge

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STIPULATION AND [PROPOSED] ORDER

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